

1 Tony H. Ashtiani
2 P.O. Box 12723
3 Tamuning Guam 96931
4 671-688-4844
5 671-653-5575

FILED
DISTRICT COURT OF GUAM
OCT 07 2003
MARY L. M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

6
7
8
9 Tony H. Ashtiani,)
10 Plaintiff,) Civil Case No.: 02-00032
11 vs.)
12 Continental Micronesia Inc,) DECLARATION IN SUPPORT OF
13 Dba, Continental Micronesia,) MOTION TO COMPEL.
14 Continental Airlines,) (Fed. R. Civ. P. 37)
15 Defendant)
16)
17)
18)
19)
20 TO: DEFENDANT CONTINENTAL MICRONESIA INC., AND ITS ATTORNEYS OF
21 RECORD:
22
23 I, TONY H. ASHTIANI declare under penalty of perjury under
24 the United States laws and laws of Guam that the following
25 statements are true and correct:

ORIGINAL

CV 02-00032 PAGE 1 OF 2

- 1 1. I , plaintiff (Tony H. Ashtiani) in the above-entitled
- 2 action.
- 3
- 4 2. On or about Jun 16, 2003, I caused to be served on
- 5 defendant Continental Micronesia Inc. (hereinafter "CMI") a
- 6 First Request for production of documents , a copy, which is
- 7 attached hereto as **Exhibit A**.

8 3. On Jul 15, 2003 we received Defendant CMI's Defendant's
9 respond to plaintiff's first request for production of documents
10 and things. A true and correct copy of defendant CMI's
11 Defendant's Answers to Plaintiff's First request for production
12 of documents is attached hereto as **Exhibit B.**

13 4. Plaintiff has conferred with counsel for defendant CMI
14 and discussed the responses indicated in Exhibit B. we attempted
15 in good faith to resolve the disputes identified in the exhibits
16 and conferred on the subject of the objections. We have been
17 unable to resolve such disputes and have advised counsel that
18 Plaintiff would be required to make a motion to compel.

Dated this 7th. day of October 2003

Tony H. Ashtiani

Paintiff

FILED
DISTRICT COURT OF GUAM
JUN 16 2003
MARY L. M. MORAN
CLERK OF COURT

1 Tony H. Ashtiani
P.O.Box 12723
2 Tamuning Guam 96931
671-688-4844
3 671-653-5575
4 Attorneys for Defendant
CARLSMITH BALL LLP
5 Mr. David Ledger
Ms. Elyze McDonald
6

7 **DISTRICT COURT OF GUAM**

8 **TERRITORY OF GUAM**

9
10 Tony H. Ashtiani,
11 Plaintiff,
12 vs.
13 Continental Micronesia Inc.,
14 Dba, Continental Micronesia,
15 Continental Airlines,
16 Defendant
17
18
19
20 TO: DEFENDANT CONTINENTAL MICRONESIA INC., AND ITS ATTORNEYS OF
21 RECORD: Plaintiff hereby request pursuant to Fed R Civ P rule 34,
22 Plaintiff requests that Defendant respond in writing, under
23 oath, to the following Requests for Production of Documents
24 within 30 days from the service and this request, and produce
25 and permit inspection and copying of documents described below
on July 15 , 2003. At 0900 A.M to plaintiff at Guam Law Library

RECEIVED
CARLSMITH BALL
6-16-03
Da.
2:24 pm Jy: MCT
CV 02-00032 PAGE 1 OF 20

1 at 141 San Ramon street Conference room B Hagatna, Guam. In
2 lieu of producing the documents for inspection, defendant may
3 forward legible copies of them to plaintiff on or before the
4 date of production, except that defendant must label all
5 documents (e.g. Exhibit A, B, C, etc.). And indicate in
6 writing which documents are responsive to which requests).
7 As an alternative earlier means of production, defendant may
8 photocopy all responsive documents and deliver the same to the
9 plaintiff on or before the date set for production. Defendants
10 and the counsel of records are reminded of their obligations
11 under rule 34 of the Federal rule of civil procedure.
12 Terms are defined in accordance with Rule 1001 of Rules of
13 Evidence.

14

15 DEFINITION AND INSTRUCTION

16 The word "document" is used in these requests in the broad
17 and liberal sense and means any written, typed, recorded or
18 graphic matter, however produced or reproduced, of any kind and
19 description, whether sent, received, or neither, and all copies
20 thereof which differ in any way from the original (whether by
21 interlineations, stamped received, notation, indication of copy
22 sent or received, or otherwise) regardless of whether designated
23 confidential, privileged or otherwise and whether such is an
24 original, master, duplicate or copy, including, but not limited
25 to, papers, notes, accounts statements or summaries, ledgers,

1 pamphlets, periodicals, books, advertisements, drawings,
2 telegrams, audio or video tape recordings, communications,
3 including inter-office and intra office memoranda, delivery
4 tickets, bills of lading, invoices, quotations, claims
5 documents, reports, records, studies, work sheets, working
6 papers, corporate records, minutes of meetings, circulars,
7 bulletins, notebooks, bank deposit slips, bank check, canceled
8 checks, data processing cards and/or tapes, computer software,
9 electronic mail messages, photographs, transcriptions or sound
10 recordings of any type of personal or telephone conversations,
11 interviews, negotiations, meetings or conferences, or any other
12 things similar to any of the foregoing.

13 The term "communication" as used in these requests means
14 any words heard, spoken, written or read, regardless of whether
15 designated confidential, privileged or otherwise, and including,
16 without limitation, words spoken or heard at any meeting,
17 discussion, interview, encounter, conference, speech,
18 conversation or other similar occurrence, and words written or
19 read from any document (s) as described above.

20 The term "person" as used in these requests means
21 individuals or entities or any type, including but not limited
22 to, natural persons, governments (or agencies thereof), quasi-
23 public entities, corporations, partnerships, groups, mutual or
24 joint ventures and other forms of organizations or associations.
25

1 The term "date" as used in these requests shall mean the
2 exact day, month and year, if ascertainable, or if not the best
3 approximation thereof (including by relationship to other
4 events).

5 As used herein, the words or phrases, "explaining,"
6 "describing," "defining," "concerning," "reflecting," or
7 "relating to" when used separately or in conjunction with one
8 another mean, directly or indirectly, mentioning, pertaining to,
9 involving, being connected with or embodying in any way or to
10 any degree the stated subject matter.

11 The term "relate to," or any similar phrase, shall mean
12 refer to, reflect on, concern or be in any way logically or
13 factually connected with the matter discussed.

14 The term "employee" means any person who receives wages, a
15 salary or other income, in any form, from the defendant,
16 including, without limitation, supervisors, administrators,
17 manager, directors, officers, board of directors members,
18 contract workers, commission workers or any combination thereof.

19 For each document encompassed by these requests which
20 defendant claims to be privileged from or otherwise protected
21 against discovery on any ground, defendant shall expressly make
22 the claim, fully setting forth all grounds for the privileged or
23 protection and shall expressly describe the document with a
24 degree of specificity that will enable plaintiff to
25 assess the applicability of the claimed privilege or protection.

1 If a request is made for production of documents which are
2 no longer in the possession, custody and/or control of
3 defendant, state when such documents were lost, destroyed or
4 otherwise disposed of; how recently where they in the
5 possession, custody and/or control of defendant and what
6 dispositions were made of them, including the identity of the
7 person(s) believed to be last or presently in possession,
8 custody and/or control of the documents. If a document has been
9 destroyed, if applicable, state when such document was
10 destroyed, identify the person(s) who destroyed the documents,
11 and the person(s) who directed that the document be destroyed
12 and the reasons the document was destroyed.

13 Unless otherwise specified, each request requires a full
14 response for every and entire period of time with respect to
15 which defendant intends to offer any evidence.

16 If more than one copy of a requested document (e.g., a
17 clean copy and a copy with handwritten or other notations)
18 exists, and if one or more documents have any writing on them,
19 which differentiate them from other copies, defendant shall
20 produce all copies.

21 These document requests are continuing and, if at any time
22 subsequent to production of documents requested herein, any
23 document responsive to this request is located or comes within
24 the custody, possession or control of the defendant, plaintiff
25

1 requests that it forthwith be produced to the full extent
2 required by Rule 34 of the Federal Rules of Civil Procedure.
3

4

5 REQUESTED DOCUMENTS

6

- 7 1. All documents, notes, recordings, data compilations
8 and all files or other collections of documents, official or
9 unofficial, formal or informal, maintained or kept by Defendant,
10 or by any agent, attorney, employee, independent contractor,
11 representative, or board member thereof, or otherwise in its or
12 their possession, custody or control, relating or pertaining in
13 any way to the plaintiff, including, without limitation, all of
14 plaintiff's personnel files and documents, plaintiff's transfer
15 document, plaintiff's administrative file maintained by
16 defendant's Human Resources Department or any other department
17 or subdivision, representative or agent, and any other
18 departmental files relating or pertaining in any way to the
19 plaintiff.
- 20 2. All documents pertaining to plaintiff's job
21 performance and/or salary or compensation history as an
22 employee, including, without limitation, each document reviewed,
23 referred to, considered, or utilized in any way in the
24 preparation of plaintiff's performance reports.
- 25

1 3. Copy of all (a) P-160s (b) P-187 of Mr. Dixon McKenzie,
2 Human Resources Director.

3 4. Copy of all P-160s (b) P-187 of Mr. James Hammer
4 director of maintenance.

5 5. Plaintiff's statement which was requested by and given
6 to Mr. William Herrera on the evening of June 26, 2001
7 explaining plaintiff's position relevant to the absence from
8 duty.

9 6. Copy of the return receipt of the U.S.P.S certified
10 letter (PS Form 3811) signed by the plaintiff on July 12, 2001
11 which contained plaintiff's termination letter dated July 03,
12 2001 signed by Mr. Herrera.

13 7. (a) All document of 1 thru 6 levels of attendance records
14 and counseling notice of which were received by plaintiff; (b)
15 list of witnesses and attendees whom were present at such
16 meetings, including employer's representative, employees, and
17 union representative; and (c) the jointly filled out discussion
18 form(s) (which, at the end of each such meeting all parties
19 acknowledged such meeting and signed the mentioned form).

20 8. Documents of plaintiff's employee evaluation and/or
21 progress reports from defendant's Technical Services Division,
22 where plaintiff worked and employer provided this form during
23 evaluation as plaintiff had acknowledged and signed of employer
24 expectation from the plaintiff (referred to therein as,
25 "employee").

- 1 9. Please provide dates [??] in regard to each and every
2 DC-10-30 exiting the fleets of Continental Micronesia inc.,
3 10. Please provide the list of all off-island trainings of
4 plaintiff's mechanics including the list the names of the
5 mechanics, their nationality, race, and ethnicity.
6 11. Please provide list of names of all defendant's
7 employees who attended the off island General electric engine
8 trainings, as well as their experience and comprehension of the
9 complex engine and hand on experience, and their race,
10 nationality and ethnicity.
11 12. Please provide the monthly shift schedules for
12 mechanics working swings, early swings, early graveyard, and
13 regular graveyard shifts, from the period of June 1997 to
14 present.
15 13. Please provide a list of names of all mechanics,
16 mechanic helpers, Airframe mechanics, sheet metal mechanics,
17 sheet metal mechanic helpers, tool crib attendants either in the
18 Technical Services Division of terminal line or B CHECK that
19 were under the union contract of Continental Micronesia Inc, and
20 International Brotherhood of Teamsters who were employed by the
21 defendant who had two or more consecutive No call/No show from
22 the period from Jun 1990 to the present.
23 14. Defendant's personnel and/or operating policies and/or
24 procedures in existence during plaintiff's employment and all
25 documents relating or pertaining thereto, including, without

1 limitation, each version of defendant's policies and/or
2 procedures on compensation, salary increases, bonuses, job
3 performance, performance evaluations, and equal employment
4 opportunity and retaliation for complaints of discrimination and
5 disparate treatments.

6 15. Defendant's policies and/or procedures on
7 discrimination and harassment and/or any other discrimination in
8 existence at any time during plaintiff's employment, and all
9 documents relating or pertaining thereto, including, without
10 limitation, each version of any discrimination policy or
11 procedure in effect during plaintiff's employment and each draft
12 thereof, and all documents referring or relating to training,
13 supervision, discipline of, or instruction to defendant's
14 officers, employees, independent contractors, representatives,
15 and/or board members on or about discrimination, harassment
16 and/or disparate treatments.

17 16. All documents referring, relating to, describing or
18 explaining, any suggestion, allegation, charge or complaint of
19 discrimination, harassment, disparate treatment (regardless of
20 how defendant characterizes the suggestion, allegation, charge
21 or complaint, and whether formal or informal), made by any other
22 employee, supervisor or management personnel of defendant during
23 plaintiff's employment, including, without limitation, any
24 suggestion, allegation, charge or complaint that defendant, Mr.
25 Dixon McKenzie, James Hammer , Mr. William Herrera , Mr. Glenn

1 Mendoza or any other officer, employee, independent contractor,
2 representative or board member thereof, (allegedly or actually)
3 discriminated ,harassed any employee, officer, supervisor on any
4 other person during plaintiff's employment.

5 17. Defendant's policies and/or procedures on racial
6 and/or national origin discrimination in existence at any time
7 during plaintiff's employment, and all documents relating or
8 pertaining thereto, including, without limitation, each version
9 of any racial or national origin discrimination policy or
10 procedure in effect during plaintiff's employment and each draft
11 thereof, and all documents referring to training,
12 supervision, discipline of, or instruction to defendant's
13 officers, employees, independent contractors, representatives,
14 and/or board members on or about racial and/or national origin
15 discrimination.

16 18. All documents referring or relating to, or describing
17 or explaining, any suggestion, allegation, charge or complaint
18 of racial and/or national origin discrimination (regardless of
19 how defendant characterizes the suggestion, allegation, charge
20 or complaint, whether formal or informal), made by any other
21 employee, supervisor or management personnel of defendant during
22 plaintiff's employment, including, without limitation, any
23 suggestion, allegation, charge or complaint that defendant, Mr.
24 Dixon McKenzie and Mr. James Hammer or any other officer,
25 employee, independent contractor, representative, or board

1 member thereof, discriminated against any employee, officer,
2 supervisor or any other person during plaintiff's employment on
3 the basis of race or national origin.

4 19. All documents referring or relating to salary
5 increases and/or bonuses for all maintenance supervisors, and
6 aircraft mechanics for the period of June 1998 to the present,
7 including, without limitation, all documents describing or
8 explaining the method or process, if any, by which defendant
9 made determinations as to salary increases and/or bonuses for
10 its employees during this same period.

11 20. All documents referring to or relating to salary,
12 bonus and/or compensation histories of each maintenance
13 supervisor employed by defendant in the period of June 1998 and
14 to the present.

15 21. All documents referring or relating to promotion of
16 the Human Resources Department management staff, including but
17 not limited to, Mr. Dixon McKenzie, Mr. Robbie Crisostomo, and
18 Theresa Sage, including the dates of promotion and date of
19 transfer from any other department to Human resources Department
20 of Continental Micronesia, Inc., and those of Continental
21 Airlines, that transferred to Continental Micronesia, Inc.

22 22. All documents referring or relating to compensation
23 grades, which have been established by defendant for
24 compensation, including, without limitation, employment records
25

1 showing compensation grade and actual salary for Mr. McKinzie
2 and Mr. Hammer.

3 23. All documents, and all files or other collections of
4 documents, official or unofficial, formal or informal,
5 maintained or kept by defendant, or by any employee, independent
6 contractor, representative, or board member thereof, or
7 otherwise in its or their possession, custody or control,
8 relating or pertaining to the Mr. Dixon McKenzie and Mr. James
9 Hammer, including, without limitation, all of their personnel
10 files, their P-160's, the employees administrative file
11 maintained by the Human Resources Department and any
12 departmental or company files.

13 24. All documents referring or relating to Mr. Dixon
14 McKenzie and Mr. James Hammer participation or involvement in
15 decision-making concerning any employee's employment, including,
16 without limitation, decisions relating to salary, promotion,
17 bonuses, hiring layoff or firing.

18 25. All organizational descriptions or charts reflecting
19 the defendant's organizational structure, including without
20 limitation, each individual department's organizational
21 structure for the period from June 1998 to the present.
22 26. All position descriptions or other documents referring
23 or relating to the duties and responsibilities of each position
24 of employment with defendant's organization from June 1998 to
25 present.

1 27. All documents that state, reflect, describe or
2 evaluate, in whole or in part, the net worth of defendant,
3 including, without limitation, documents listing or describing
4 defendant's assets from which net worth independently may be
5 ascertained, and any current financial statements reflecting
6 defendant's assets and/or liabilities.

7 28. All minutes of meetings of defendant's board of
8 directors and/or officers attended by Mr. Dixon McKenzie and Mr.
9 James Hammer and all minutes of meetings of defendant's board of
10 directors and/or officers during which any reference was made to
11 any one or more of the following: Plaintiff, Mr. Dixon McKenzie,
12 Mr. James Hammer, Mr. Bill Herrera and Mr. Glenn Mendoza which
13 contain any reference to or mention plaintiff filing charge with
14 EEOC, plaintiff's civil action, plaintiff's termination,
15 plaintiff's allegations that he was harassed, plaintiff's
16 allegations that he was discriminated against, discrimination
17 and/or differences in treatment between pacific islanders,
18 Caucasians ,Blacks, Middle easterners or any other ethnic group
19 or minority, any religious group including but not limited to,
20 any Muslim group or employees.

21 29. All documents referring or relating, or the raw data
22 from which the information may be compiled proving or disproving
23 the existence of any differences or variations in grade, salary,
24 bonuses and promotions between persons of Pacific Island origin
25 and Caucasians, blacks, and Middle easterners between persons of

1 Pacific Island origin and Continental Airlines, Inc.'s
2 employees, or between employees of defendant and Continental
3 Airlines, Inc., or between persons who were residents of Guam at
4 the time they were hired and persons hired from off-island.

5 30. All documents in regards to or which in any manner
6 refer to or mention the transfer of any aircraft mechanics from
7 Continental Airlines, Inc., to Continental Micronesia Inc., and
8 any documents in regards or which in any manner refer to or
9 mention their pay scale; and whether equal pay was applied for
10 performing the same job in the same job classification, during
11 period of August 1991 to the date of plaintiff's termination.

12 31. The P-160's for every supervisor, officer, director or
13 any other supervisory or management personnel of defendant for
14 the period of Jun 1998 to the present, in the technical services
15 division, Maintenance, quality control and quality assurance
16 division of Continental Micronesia Inc.

17 32. The P-160's for all defendant's supervisors that were
18 (a) promoted in period of June 1998 to September 11, 2001; and
19 (b) those supervisor that were furloughed or laid off after
20 September 11, 2001 up to January 10 , 2002. Please provide
21 their names, their race, nationality, and their ethnicity of all
22 such individuals who were furloughed in the Technical Services
23 Division, Maintenance, Quality control and Quality Assurance
24 Division of Continental Micronesia, Inc.

25

- 1 33. All written and/or computerized and/or electronic
2 communications or other documents, including electronic mail
3 messages, to or from, or intended to be to or from, any officer,
4 employee, independent contractor, representative, or board
5 member of defendant regarding plaintiff and/or plaintiff's
6 complaint, whether such communication was addressed to such
7 person or not and whether such communication was actually
8 delivered to such person or not.
- 9 34. All written and/or computerized and/or electronic
10 communications or other documents, including electronic mail
11 messages, to or from, or intended to be to or from, any officer,
12 employee, independent contractor, representative, or board
13 member of defendant regarding Mr. Dixon McKenzie and Mr. James
14 Hammer, whether such communication was addressed to such person
15 or not and whether such communication was actually delivered to
16 such person or not.
- 17 35. All documents or computerized surveys which was done
18 by any means, including but not limited to, electronic means and
19 referred to as survey by the maintenance supervisors in Guam of
20 their director Mr. James Hammer. Please provide the copy of the
21 surveys from each and every supervisor and identify which survey
22 belongs to which supervisor.
- 23 36. All documents and statement from James Hammer in
24 regards to making any racial comments either after September 11,
25 2001 or before September 11, 2001 to any one employed by the

1 defendant before or after Plaintiff's termination, in reference
2 to plaintiff.

3 37. All documents, which relate or pertain to the factual
4 basis for any defense, including, without limitation, any
5 affirmative defense, defendant asserts in this civil action.

6 38. All documents which relate or pertain to any
7 suggestions, proposals, plans, projects or other activities
8 concerning defendant's treatment of persons of Pacific Island
9 origin, Blacks, whites, Middle Easterners including, without
10 limitation, to proposals, programs, suggestions or plans to
11 remedy differences in treatment of pacific islanders,
12 Micronesian, Blacks, and Middle Eastern employed by defendant.

13 39. All documents which defendant contends support or
14 constitute evidence supporting any defense, including, without
15 limitation, any affirmative defense, defendant asserts in this
16 civil action.

17 40. All documents which defendant contends reflect or
18 relate to any alleged job performance deficiency of plaintiff.

19 41. All documents referring or relating to, or describing
20 or explaining, any investigation by any individual or entity,
21 including, without limitation, defendant or Continental
22 Airlines, Inc., of any suggestion, allegation, charge or
23 complaint that Mr. Dixon McKenzie and any other Maintenance
24 Supervisor, at the time of plaintiff employed by the defendant,
25 harassed (regardless of how defendant characterized, the

1 suggestion, allegation, charge or complaint) plaintiff or anyone
2 else or otherwise engaged in conduct of a discriminatory and
3 disparate treatment with respect to plaintiff or anyone else.

4 42. All documents and notes from or by Mr. Dixon McKenzie
5 regarding any complaint regarding public policy enforcement
6 submitted to defendant's Manager of Human Resources, in relation
7 to plaintiff during his employment with the defendant; and any
8 documents evidencing any investigation launched consequently,
9 its results or the outcome of any such investigation.

10 43. All documents and statement from Mr. Dixon McKenzie in
11 regard to his involvement in any backroom meetings,
12 orchestration of plaintiff's suspension which led to plaintiff
13 termination on June 26, 2001.

14 44. All documents referring or relating to describing or
15 explaining, any investigation by any individual or entity,
16 including, without limitation, defendant and/or Continental
17 Airlines, Inc., of any suggestion, allegation, charge or
18 complaint that defendant or anyone else or otherwise engaged in
19 conduct which discriminates against or otherwise disfavors any
20 of the following: (1) persons of Middle Eastern origin; (2)
21 persons hired by the company on Guam as opposed to persons hired
22 from off island; or (3) Continental Airline, Inc.'s employees as
23 opposed to Continental Micronesia Inc.'s employees.

24 45. All documents referring or relating to the
25 administration and/or results of the management trainee program,

1 including documents showing those trainees who were promoted to
2 management positions after undergoing the training program.

3 46. All documents referring or relating to defendant's
4 knowledge of Mr. Dixon McKenzie, Mr. James Hammer, Mr. William
5 Herrera and Mr. Glenn Mendoza prior employment record,
6 including, without limitation, those referring or relating to
7 any prior claims that any one of them was involved in any kinds
8 of discrimination and/or harassment of employees at his current
9 or prior places of employment.

10 47. All documents referring or relating to defendant's
11 knowledge of Mr. Sherman Thompson's prior employment in either
12 civil employment and armed forces of the United States of
13 America, including demotion due to sexual harassment of a female
14 in Anderson Air Force Base and any other female in the armed
15 forces or elsewhere, including any female which employed at
16 Continental Micronesia Inc., while Mr. Sherman Thompson was
17 employed by the defendant.

18 48. All documents presented for signature to, or prepared
19 for signature by, any employee, manager, supervisor,
20 administrator, officer or director of defendant relating to
21 alleged discrimination, harassment or any other conduct of
22 discriminatory nature by Mr. Dixon McKenzie and Mr. James
23 Hammer.

24 49. All documents presented for signature to, or prepared
25 for signature by, any employee relating to any claims, charges,

1 allegations or complaints (however characterized) alleging
2 racial or national origin discrimination or any other kind of
3 discrimination by defendant or any of its employees.

4 50. All surveillance videos, tapes, movies, photos, notes,
5 memoranda, tape recordings, reports, whether electronic, digital
6 or analogue, or any other recording, documents or things
7 regarding, pertaining or relating to surveillance of the
8 plaintiff at the direction of defendant or anyone acting on its
9 behalf.

10 51. All documents, including, without limitation, notes,
11 tape recordings, diary entries, calendars, meetings' minutes or
12 meetings' notes, notes of or relating to communications, or any
13 other writing, recording or memorialization prepared or
14 received by defendant, or by any employee, representative or
15 agent relating to any of the events and circumstances alleged in
16 plaintiff's complaint and/or amended complaint.

17 52. All documents, referring or relating to any surveys
18 conducted by defendant or any of its employees of attitudes of
19 its employees.

20 53. All copies of letters sent by plaintiff to Mr. Bill
21 Meehan, including, without limitation, any copies which have had
22 written notes on them.

23 54. All copies of letter sent by plaintiff to Mr. Dixon
24 McKenzie in regards to plaintiff complaining about disparate
25

1 treatment and racial discrimination that Mr. Glenn Mendoza was
2 administrating on the non pacific islanders.

3 55. All copies of the shift supervisors schedule on duty
4 and off duty schedule for the entire line maintenance supervisor
5 for period of January 1, 2001 to July 30, 2001.

6 56. All documents which were reviewed or used by defendant
7 in preparing its answers to complaint and amended complaints.

8 57. (a) All documents listed by defendant in its Initial
9 Disclosure (served on plaintiff on May 30, 2003) in this matter;
10 and (b) Any and all insurance policies, referred to as
11 "insurance coverage" on page 2, of Initial Disclosure (served on
12 plaintiff on May 30, 2003) in this matter, regardless of the
13 alleged deductible.

14 58. All statements made by any person regarding plaintiff.

15 59. All correspondence from or to defendant, its agents,
16 representatives or employees regarding plaintiff, or any member
17 of his family, or regarding his allegations, complaint or any
18 other matter or issue related to plaintiff or any member of
19 his family.

20 60. All other documents from or to defendant, its agents,
21 representatives or employees regarding plaintiff, or any member
22 of his family, or regarding his allegations, complaint or any
23 other matter or issue related to plaintiff or any member of
24 his family.

25 Date: JULY 16/2003 Respectfully submitted,

- ORIGINAL

CARLSMITH BALL LLP

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Attorneys for Defendants
Continental Micronesia, Inc.
dba Continental Micronesia
and Continental Airlines, Inc.

IN THE DISTRICT COURT FOR GUAM

TONY H. ASHTIANI,) CIVIL CASE NO. CIV02-00032
vs.)
Plaintiff,) DEFENDANT CONTINENTAL
vs.) MICRONESIA, INC.'S RESPONSE TO
CONTINENTAL MICRONESIA, INC.) PLAINTIFF TONY H. ASHTIANI'S FIRST
Dba CONTINENTAL MICRONESIA,) REQUEST FOR PRODUCTION OF
And CONTINENTAL AIRLINES, INC.,) DOCUMENTS; DECLARATION OF
Defendants.) SERVICE

Defendant Continental Micronesia, Inc. submits its Response to Plaintiff Tony H. Ashtiani's First Request for Production of Documents.

REQUEST NO. 1: All documents, notes, recordings, data compilations and all files or other collections of documents, official or unofficial, formal or informal, maintained or kept by Defendant, or by any agent, attorney, employee, independent contractor, representative, or board member thereof, or otherwise in its or their possession, custody or control, relating or

pertaining in any way to the Plaintiff, including, without limitation, all of Plaintiff's personnel files and documents, Plaintiff's transfer document, Plaintiff's administrative file maintained by Defendant's Human Resources Department or any other department or subdivision, representative or agent, and any other departmental files relating or pertaining in any way to the Plaintiff.

RESPONSE: Objection is being made on grounds of overbreadth as to timeframe and substance, and not being reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objections, if these items exist and can be obtained and appear to be discoverable in this action, they will be produced.

REQUEST NO. 2: All documents pertaining to Plaintiff's job performance and/or salary or compensation history as an employee, including, without limitation, each document reviewed, referred to, considered, or utilized in any way in the preparation of Plaintiff's performance reports.

RESPONSE: If these items can be obtained and appear to be discoverable in this action, they will be produced.

REQUEST NO. 3: Copy of all (a)P-160s (b) P-187 of Mr. Dixon McKenzie, Human Resources Director.

RESPONSE: Objection is being made as to the requested materials being irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 4: Copy of all P-160s (b) P-187 of Mr. James Hammer director of maintenance.

RESPONSE: Objection is being made as the requested materials are irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 5: Plaintiff's statement which was requested by and given to Mr. William Herrera on the evening of June 26, 2001 explaining Plaintiff's position relevant to the absence from duty.

RESPONSE: Defendant is unable to comply as it has no documents or tangible things resembling a statement given to Mr. Herrera on the evening of June 26, 2001 explaining Plaintiff's position relevant to Plaintiff's absence.

REQUEST NO. 6: Copy of the return receipt of the U.S.P.S certified letter (PS form 3811) signed by the Plaintiff on July 12, 2001 which contained Plaintiff's termination letter dated July 03, 2 2001 signed by Mr. Herrera.

RESPONSE: A diligent search and reasonable inquiry has been made in an effort to locate the item requested. However, Defendant is unable to comply as it does not have in its control or possession a copy of the return receipt of the U.S.P.S. certified letter (PS form 3811) signed by the Plaintiff on July 12, 2001 which contained Plaintiff's termination letter dated July 03, 2 2001 signed by Mr. Herrera.

REQUEST NO. 7: (a) All document of 1 thru 6 levels of attendance records and counseling notice of which were received by Plaintiff, (b) list of witnesses and attendees

whom were present at such meetings, including employer's representative, employees, and union representative; and (c) the jointly filled out discussion form(s) (which, at the end of each such meeting all parties acknowledged such meeting and signed the mentioned form).

RESPONSE: (a) If these documents exist and appear to be discoverable in this action, they will be produced; (b) Defendant is unable to comply as it does not have in its possession a list of witnesses and attendees whom were present at such meetings, including employer's representative, employees, and union representative; and (c) objection is being made as to vagueness.

REQUEST NO. 8: Documents of Plaintiff's employee evaluation and/or progress reports from Defendant's Technical Services Division, where Plaintiff worked and employer provided this form during evaluation as Plaintiff had acknowledged and signed of employer expectation from the Plaintiff (referred to therein as, "employee").
RESPONSE: If these items can be obtained and are discoverable in this action, they will be produced.

REQUEST NO. 9: Please provide dates [???] in regard to each and every DC-10-30 exiting the fleets of Continental Micronesia Inc.,

RESPONSE: Objection is being made as to relevancy.

REQUEST NO. 10: Please provide the list of all off-island trainings of Plaintiff's mechanics including the list the names of the mechanics, their nationality, race, and ethnicity.

RESPONSE: Objection is being made as to overbreadth, relevancy, and burdensomeness.

REQUEST NO. 11: Please provide list of names of all Defendant's employees who attended the off island General electric engine trainings, as well as their experience and comprehension of the complex engine and hand on experience, and their race, nationality and ethnicity.

RESPONSE: Objection is being made as to overbreadth, relevancy, and burdensomeness.

REQUEST NO. 12: Please provide the monthly shift schedules for mechanics working swings, early swings, early graveyard, and regular graveyard shifts, from the period of June 1997 to present.

RESPONSE: Objection is being made as to overbreadth, relevancy, and burdensomeness.

REQUEST NO. 13: Please provide a list of names of all mechanics, mechanic helpers, Airframe mechanics, sheet metal mechanics, sheet metal mechanic helpers, tool crib attendants either in the Technical Services Division of terminal line or B CHECK that were under the union contract of Continental Micronesia Inc, and International Brotherhood of Teamsters who were employed by the Defendant who had two or more consecutive No call/No show from the period from June 1990 to the present.

RESPONSE: Objection is being made as the requested materials are irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 14: Defendant's personnel and/or operating policies and/or procedures in existence during Plaintiff's employment and all documents relating or pertaining thereto, including, without limitation, each version of Defendant's policies and/or procedures on compensation, salary increases, bonuses, job performance, performance evaluations, and equal employment opportunity and retaliation for complaints of discrimination and disparate treatments.

RESPONSE: If these items can be obtained and are discoverable in this action, they will be produced.

REQUEST NO. 15: Defendant's policies and/or procedures on discrimination and harassment and/or any other discrimination in existence at any time during Plaintiff's employment, and all documents relating or pertaining thereto, including, without limitation, each version of any discrimination policy or procedure in effect during Plaintiff's employment and each draft thereof, and all documents referring or relating to training, supervision, discipline of, or instruction to Defendant's officers, employees, independent contractors, representatives, and/or board members on or about discrimination, harassment and/or disparate treatments.

RESPONSE: Objection is being made as the requested materials are unduly broad and burdensome, and constitute attorney-client privilege and attorney work product. Notwithstanding said objections, if these items can be obtained and are discoverable in this action, they will be produced.

REQUEST NO. 16: All documents referring, relating to, describing or explaining, any suggestion, allegation, charge or complaint of discrimination, harassment, disparate treatment (regardless of how Defendant characterizes the suggestion, allegation, charge or complaint, and whether formal or informal), made by any other employee, supervisor or

management personnel of Defendant during Plaintiff's employment, including, without limitation, any suggestion, allegation, charge or complaint that Defendant, Mr. Dixon McKenzie, James Hammer, Mr. William Herrera, Mr. Glenn Mendoza or any other officer, employee, independent contractor, representative or board member thereof, (allegedly or actually) discriminated, harassed any employee, officer, supervisor on any other person during Plaintiffs employment.

RESPONSE: Objection is being made as the requested materials are harassing, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In a company with over 40,000 employees, the situations of other employees have no relevance to Plaintiff's individual fact situation. Defendant also objects to this Request on the basis of the res inter alios acta doctrine, i.e., Plaintiff must prove his case through his own particular facts and circumstances, not those pertaining to other persons. Defendant further objects to this Request on the basis that it seeks information which is confidential, private, and personal, and the disclosure of it would necessarily invade the privacy, and the expectation of privacy, or persons not parties to this suit.

REQUEST NO. 17: Defendant's policies and/or procedures on racial and/or national origin discrimination in existence at any time during Plaintiff's employment, and all documents relating or pertaining thereto, including, without limitation, each version of any racial or national origin discrimination policy or procedure in effect during Plaintiff's employment and each draft thereof, and all documents referring to relating to training, supervision, discipline of, or instruction to Defendant's officers, employees, independent contractors, representatives, and/or board members on or about racial and/or national origin discrimination.

RESPONSE: Objection is being made as the requested materials are irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the basis of attorney-client privilege and attorney work product. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 18: All documents referring or relating to, or describing or explaining, any suggestion, allegation, charge or complaint of racial and/or national origin discrimination (regardless of how Defendant characterizes the suggestion, allegation, charge or complaint, whether formal or informal), made by any other employee, supervisor or management personnel of Defendant during Plaintiff's employment, including, without limitation, any suggestion, allegation, charge or complaint that Defendant, Mr. Dixon McKenzie and Mr. James Hammer or any other officer, employee, independent contractor, representative, or board member thereof, discriminated against any employee, officer, supervisor or any other person during Plaintiff's employment on the basis of race or national origin.

RESPONSE: Objection is being made as the requested materials are harassing, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In a company with over 40,000 employees, the situations of other employees have no relevance to Plaintiff's individual fact situation. Defendant also objects to this Request on the basis of the res inter alios acta doctrine, i.e., Plaintiff must prove his case through his own particular facts and circumstances, not those pertaining to other persons. Defendant further objects to this Request on the basis that it seeks information which is confidential, private, and personal, and the disclosure of it would necessarily invade the privacy,

and the expectation of privacy, or persons not parties to this suit.

REQUEST NO. 19: All documents referring or relating to salary increases and/or bonuses for all maintenance supervisors, and aircraft mechanics for the period of June 1998 to the present, including, without limitation, all documents describing or explaining the method or process, if any, by which Defendant made determinations as to salary increases and/or bonuses for its employees during this same period.

RESPONSE: Objection is being made as the requested materials are irrelevant, harassing, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit. Notwithstanding said objections, if documents pertaining to wages of mechanics exist, they will be produced.

REQUEST NO. 20: All documents referring to or relating to salary, bonus and/or compensation histories of each maintenance supervisor employed by Defendant in the period of June 1998 and to the present.

RESPONSE: Objection is being made as the requested materials are irrelevant, harassing, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 21: All documents referring or relating to promotion of the Human Resources Department management staff, including but not limited to, Mr. Dixon

McKenzie, Mr. Robbie Crisostomo, and Theresa Sage, including the dates of promotion and date of transfer from any other department to Human resources Department of Continental Micronesia, Inc., and those of Continental Airlines, that transferred to Continental Micronesia, Inc.

RESPONSE: Objection is being made as the requested materials are irrelevant, harassing, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 22: All documents referring or relating to compensation grades, which have been established by Defendant for compensation, including, without limitation, employment records showing compensation grade and actual salary for Mr. McKinzie and Mr. Hammer.

RESPONSE: Objection is being made as the requested materials are irrelevant, harassing, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 23: All documents, and all files or other collections of documents, official or unofficial, formal or informal, maintained or kept by Defendant, or by any employee, independent contractor, representative, or board member thereof, otherwise in its or their possession, custody or control, relating or pertaining to the Mr. Dixon McKenzie and Mr. James Hammer, including, without limitation, all of their personnel files, their P-160's, the

employees administrative file maintained by the Human Resources Department and any departmental or company files.

RESPONSE: Objection is being made as the requested materials are irrelevant, harassing, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 24: All documents referring or relating to Mr. Dixon McKenzie and Mr. James Hammer participation or involvement in decision-making concerning any employee's employment, including, without limitation, decisions relating to salary, promotion, bonuses, hiring layoff or firing.

RESPONSE: Objection is being made as to vagueness, overbreadth, relevancy, and burdensomeness. In addition to said objections, Defendant is unable to comply as it has no documents referring or relating to Mr. Dixon McKenzie and Mr. James Hammer participation or involvement in decision-making concerning any employee's employment, including, without limitation, decisions relating to salary, promotion, bonuses, hiring layoff or firing.

REQUEST NO. 25: All organizational descriptions or charts reflecting the Defendant's organizational structure, including without limitation, each individual department's organizational structure for the period from June 1998 to the present.

RESPONSE: Objection is being made as to relevancy. Notwithstanding said objection, if this item can be obtained and is discoverable in this action, it will be produced.

REQUEST NO. 26: All position descriptions or other documents referring or relating to the duties and responsibilities of each position of employment with Defendant's

organization from June 1998 to present.

RESPONSE: Objection is being made as the requested documents are overly broad, harassing, and irrelevant.

REQUEST NO. 27: All documents that state, reflect, describe or evaluate, in whole or in part, the net worth of Defendant, including, without limitation, documents listing or describing Defendant's assets from which net worth independently may be ascertained, and any current financial statements reflecting Defendant's assets and/or liabilities.

RESPONSE: Objection is being made as to overbreadth, relevancy and burdensomeness.

REQUEST NO. 28: All minutes of meetings of Defendant's board of directors and/or officers attended by Mr. Dixon McKenzie and Mr. James Hammer and all minutes of meetings of Defendant's board of directors and/or officers during which any reference was made to any one or more of the following: Plaintiff, Mr. Dixon McKenzie, Mr. James Hammer, Mr. Bill Herrera and Mr. Glenn Mendoza which contain any reference to or mention Plaintiff filing charge with EEOC, Plaintiff's civil action, Plaintiff's termination, Plaintiff's allegations that he was harassed, Plaintiff's allegations that he was discriminated against, discrimination and/or differences in treatment between pacific islanders, Caucasians, Blacks, Middle easterners or any other ethnic group or minority, any religious group including but not limited to, any Muslim group or employees.

RESPONSE: Defendant is unable to comply as it has no documents responsive to this Request.

REQUEST NO. 29: All documents referring or relating, or the raw data from which the information may be compiled proving or disproving the existence of any differences or

variations in grade, salary, bonuses and promotions between persons of Pacific Island origin and Caucasians, blacks, and Middle easterners between persons of Pacific Island origin and Continental Airlines, Inc.'s employees, or between employees of Defendant and Continental Airlines, Inc., or between persons who were residents of Guam at the time they were hired and persons hired from off-island.

RESPONSE: Objection is being made as to overbreadth, relevancy, and burdensomeness. In addition to said objections, Defendant has no documents in its possession responsive to this Request.

REQUEST NO. 30: All documents in regards to or which in any manner refer to or mention the transfer of any aircraft mechanics from Continental Airlines, Inc., to Continental Micronesia Inc., and any documents in regards or which in any manner refer to or mention their pay scale; and whether equal pay was applied for performing the same job in the same job classification, during period of August 1991 to the date of Plaintiff's termination.

RESPONSE: Defendant objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit. In addition to said objection, Defendant has no documents in its possession responsive to this Request.

REQUEST NO. 31: The P-160's for every supervisor, officer, director or any other supervisory or management personnel of Defendant for the period of Jun 1998 to the present, in the technical services division, Maintenance, quality control and quality assurance division of Continental Micronesia Inc.

RESPONSE: Objection is being made as the requested materials are irrelevant, harassing, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to

the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 32: The P-160's for all Defendant's supervisors that were (a) promoted in period of June 1998 to September 11, 2001; and (b) those supervisor that were furloughed or laid off after September 11, 2001 up to January 10 , 2002. Please provide their names, their race, nationality, and their ethnicity of all such individuals who were furloughed in the Technical Services Division, Maintenance, Quality control and Quality Assurance Division of Continental Micronesia, Inc.

RESPONSE: Objection is being made as the requested materials are irrelevant, harassing, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 33: All written and/or computerized and/or electronic communications or other documents, including electronic mail messages, to or from, or intended to be to or from, any officer, employee, independent contractor, representative, or board member of Defendant regarding Plaintiff and/or Plaintiff's complaint, whether such communication was addressed to such person or not and whether such communication was actually delivered to such person or not.

RESPONSE: Objection is being made on the grounds of attorney-client privilege.

REQUEST NO. 34: All written and/or computerized and/or electronic communications or other documents, including electronic mail messages, to or from, or intended to be to or from, any officer, employee, independent contractor, representative, or board member of Defendant regarding Mr. Dixon McKenzie and Mr. James Hammer, whether such communication was addressed to such person or not and whether such communication was actually delivered to such person or not.

RESPONSE: Objection is being made as to vagueness, overbreadth, relevancy, and burdensomeness.

REQUEST NO. 35: All documents or computerized surveys which was done by any means, including but not limited to, electronic means and referred to as survey by the maintenance supervisors in Guam of their director Mr. James Hammer. Please provide the copy of the surveys from each and every supervisor and identify which survey belongs to which supervisor.

RESPONSE: Objection is being made as to vagueness, overbreadth, relevancy, and burdensomeness.

REQUEST NO. 36: All documents and statement from James Hammer in regards to making any racial comments either after September 11, 2001 or before September 11, 2001 to any one employed by the Defendant before or after Plaintiff's termination, in reference to Plaintiff

RESPONSE: Defendant is unable to comply as it has no documents in its possession responsive to this Request.

REQUEST NO. 37: All documents, which relate or pertain to the factual basis for any defense, including, without limitation, any affirmative defense, Defendant asserts in this

civil action.

RESPONSE: Objection is being made on the grounds of attorney work product.

REQUEST NO. 38: All documents which relate or pertain to any suggestions, proposals, plans, projects or other activities concerning Defendant's treatment of persons of Pacific Island origin, Blacks, whites, Middle Easterners including, without limitation, to proposals, programs, suggestions or plans to remedy differences in treatment of pacific islanders, Micronesian, Blacks, and Middle Eastern employed by Defendant.

RESPONSE: Defendant is unable to comply as it has no documents in its possession responsive to this Request.

REQUEST NO. 39: All documents which Defendant contends support or constitute evidence supporting any defense, including, without limitation, any affirmative defense, Defendant asserts in this civil action.

RESPONSE: Objection is being made on the grounds of attorney-client privilege.

REQUEST NO. 40: All documents which Defendant contends reflect or relate to any alleged job performance deficiency of Plaintiff.

RESPONSE: If the requested items exist and appear to be discoverable, they will be produced.

REQUEST NO. 41: All documents referring or relating to, or describing or explaining, any investigation by any individual or entity, including, without limitation, Defendant or Continental Airlines, Inc., of any suggestion, allegation, charge or complaint that Mr. Dixon McKenzie and any other Maintenance Supervisor, at the time of Plaintiff employed by the Defendant, harassed (regardless of how Defendant characterized, the suggestion,

allegation, charge or complaint) Plaintiff or anyone else or otherwise engaged in conduct of a discriminatory and disparate treatment with respect to Plaintiff or anyone else.

RESPONSE: If the requested items exist and appear to be discoverable, they will be produced.

REQUEST NO. 42: All documents and notes from or by Mr. Dixon McKenzie regarding any complaint regarding public policy enforcement submitted to Defendant's Manager of Human Resources, in relation to Plaintiff during his employment with the Defendant; and any documents evidencing any investigation launched consequently, its results or the outcome of any such investigation.

RESPONSE: Objection is being made as to vagueness.

REQUEST NO. 43: All documents and statement from Mr. Dixon McKenzie in regard to his involvement in any backroom meetings, orchestration of Plaintiff's suspension which led to Plaintiff termination on June 26, 2001.

RESPONSE: Objection is being made as to vagueness, and to the reference made implying that any such "backroom meetings" occurred. In addition to said objections, Defendant is unable to comply as it has no documents in its possession responsive to this Request.

REQUEST NO. 44: All documents referring or relating to describing or explaining, any investigation by any individual or entity, including, without limitation, Defendant and/or Continental Airlines, Inc., of any suggestion, allegation, charge or complaint that Defendant or anyone else or otherwise engaged in conduct which discriminates against or otherwise disfavors any of the following: (1) persons of Middle Eastern Origin; (2) persons hired by the company on Guam as opposed to persons hired from off island; or (3) Continental Airline,

Inc.'s employees as opposed to Continental Micronesia Inc.'s employees.

RESPONSE: Objection is being made as the requested materials are harassing, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In a company with over 40,000 employees, the situations of other employees have no relevance to Plaintiff's individual fact situation. Defendant also objects to this Request on the basis of the res inter alios acta doctrine, i.e., Plaintiff must prove his case through his own particular facts and circumstances, not those pertaining to other persons. Defendant further objects to this Request on the basis that it seeks information which is confidential, private, and personal, and the disclosure of it would necessarily invade the privacy, and the expectation of privacy, or persons not parties to this suit.

REQUEST NO. 45: All documents referring or relating to the administration and/or results of the management trainee program, including documents showing those trainees who were promoted to management positions after undergoing the training program.

RESPONSE: Objection is being made as the requested materials are irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit.

REQUEST NO. 46: All documents referring or relating to Defendant's knowledge of Mr. Dixon McKenzie, Mr. James Hammer, Mr. William Herrera and Mr. Glenn Mendoza prior employment record, including, without limitation, those referring or relating to any prior claims that any one of them was involved in any kinds of discrimination and/or harassment of employees at his current or prior places of employment.

RESPONSE: Defendant objects to this Request because it seeks information which is confidential, private and personal, and the disclosure of it would necessarily invade the privacy, and expectation of privacy, or persons not parties to this suit. In addition to said objection, Defendant is unable to comply as it has no documents in its possession responsive to this Request.

REQUEST NO. 47: All documents referring or relating to Defendant's knowledge of Mr. Sherman Thompson's prior employment in either civil employment and armed forces of the United States of America, including demotion due to sexual harassment of a female in Anderson Air Force Base and any other female in the armed forces or elsewhere, including any female which employed at Continental Micronesia Inc., while Mr. Sherman Thompson was employed by the Defendant.

RESPONSE: Defendant is unable to comply as it has no documents in its possession responsive to this Request.

REQUEST NO. 48: All documents presented for signature to, or prepare for signature by, any employee, manager, supervisor, administrator, officer or director of Defendant relating to alleged discrimination, harassment or any other conduct of discriminatory nature by Mr. Dixon McKenzie and Mr. James Hammer.

RESPONSE: Objection is being made as the requested materials are harassing, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In a company with over 40,000 employees, the situations of other employees have no relevance to Plaintiff's individual fact situation. Defendant also objects to this Request on the basis of the res inter alios acta doctrine, i.e., Plaintiff must prove his case through his own particular facts and circumstances, not those pertaining to other persons.

Defendant further objects to this Request on the basis that it seeks information which is confidential, private, and personal, and the disclosure of it would necessarily invade the privacy, and the expectation of privacy, or persons not parties to this suit.

REQUEST NO. 49: All documents presented for signature to, or prepared for signature by, any employee relating to any claims, charges, allegations or complaints (however characterized) alleging racial or national origin discrimination or any other kind of discrimination by Defendant or any of its employees.

RESPONSE: Objection is being made as the requested materials are harassing, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In a company with over 40,000 employees, the situations of other employees have no relevance to Plaintiff's individual fact situation. Defendant also objects to this Request on the basis of the res inter alios acta doctrine, i.e., Plaintiff must prove his case through his own particular facts and circumstances, not those pertaining to other persons. Defendant further objects to this Request on the basis that it seeks information which is confidential, private, and personal, and the disclosure of it would necessarily invade the privacy, and the expectation of privacy, or persons not parties to this suit.

REQUEST NO. 50: All surveillance videos, tapes, movies, photos, notes, memoranda, tape recordings, reports, whether electronic, digital or analogue, or any other recording, documents or things regarding, pertaining or relating to surveillance of the Plaintiff at the direction of Defendant or anyone acting on its behalf.

RESPONSE: Defendant is unable to comply as it has no materials in its possession responsive to this Request

REQUEST NO. 51: All documents, including, without limitation, notes, tape recordings, diary entries, calendars, meetings' minutes or meetings' notes, notes of or relating to communications, or any other writing, recording or memorialization prepared or received by Defendant, or by any employee, representative or agent relating to any of the events and circumstances alleged in Plaintiff's complaint and/or amended complaint.

RESPONSE: Objection is being made as to vagueness, overbreadth, and relevancy.

REQUEST NO. 52: All documents, referring or relating to any surveys conducted by Defendant or any of its employees of attitudes of its employees.

RESPONSE: Objection is being made as to vagueness, overbreadth, and relevancy.

REQUEST NO. 53: All copies of letters sent by Plaintiff to Mr. Bill Meehan, including, without limitation, any copies which have had written notes on them.

RESPONSE: If the requested items exist and appear to be discoverable, they will be produced.

REQUEST NO. 54: All copies of letters sent by Plaintiff to Mr. Dixon McKenzie in regards to Plaintiff complaining about disparate treatment and racial discrimination that Mr. Glenn Mendoza was administering on the non pacific islanders.

RESPONSE: If the requested items exist and appear to be discoverable, they will be produced.

REQUEST NO. 55: All copies of the shift supervisors schedule on duty and off duty schedule for the entire line maintenance supervisor for period of January 1, 2001 to July 30, 2001.

RESPONSE: Objection is being made as to relevancy.

REQUEST NO. 56: All documents which were reviewed or used by Defendant

in preparing its answers to complaint and amended complaints.

RESPONSE: Objection is being made on the basis of attorney-client privilege and attorney work product. Notwithstanding said objection, if such items are discoverable, they will be disclosed.

REQUEST NO. 57: (a) All documents listed by Defendant in its Initial Disclosure (served on Plaintiff on May 30, 2003) in this matter; and (b) Any and all insurance policies, referred to as "insurance coverage" on page 2, of Initial Disclosure (served on Plaintiff on May 30, 2003) in this matter, regardless of the alleged deductible.

RESPONSE: If such items are discoverable, they will be disclosed.

REQUEST NO. 58: All statements made by any person regarding Plaintiff. **RESPONSE:** Objection is being made as to vagueness, overbreadth, relevancy, temporal scope, and burdensomeness.

REQUEST NO. 59: All correspondence from or to Defendant, its agents, representatives or employees regarding Plaintiff, or any member of his family, or regarding his allegations, complaint or any other matter or issue related to Plaintiff or any member of his family.

RESPONSE: Objection is being made as to vagueness, overbreadth, relevancy, temporal scope, and burdensomeness.

REQUEST NO. 60: All other documents from or to Defendant, its agents, representatives or employees regarding Plaintiff, or any member of his family, or regarding his allegations, complaint or any other matter or issue related to Plaintiff or any member of his

family.

RESPONSE: Objection is being made as to vagueness, overbreadth, relevancy, temporal scope, and burdensomeness.

Dated this 14th day of July 2003.

CARLSMITH BALL LLP



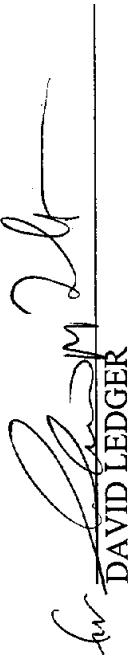
DAVID LEDGER
ELYZE McDONALD
Attorneys for Defendants
Continental Micronesia, Inc., et al.

DECLARATION OF SERVICE

I, David Ledger, hereby declare under penalty of perjury of the laws of the United States, that on the 15th day of July 2003, I will cause to be served, via hand delivery, a true and correct copy of **DEFENDANT CONTINENTAL MICRONESIA, INC.'S RESPONSE TO PLAINTIFF TONY H. ASHTIANI'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS; DECLARATION OF SERVICE** upon Plaintiff Tony H. Ashtiani as follows:

Carlsmith Ball LLP
Bank of Hawaii Bldg, Suite 401
134 West Soledad Avenue
Hagatna, Guam 96910

Executed this 14th day of July 2003 at Hagåtña, Guam.


for DAVID LEDGER